

01762.010200

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Frantisek EISINGER

Application No.: 10/786,061

Filed: February 26, 2004

For: APPARATUS FOR AND METHOD  
OF CLASSIFYING PARTICLES  
DISCHARGED FROM A VERTICAL  
MILL

$$\begin{array}{c} ) \\ : \\ ) \\ : \\ ) \\ : \\ ) \\ : \\ ) \\ : \end{array}$$

Examiner: J. C. Rodriguez

Group Art Unit: 3653

Confirmation No.: 3296

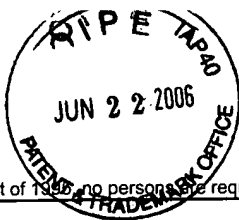
June 22, 2006

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT IN RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

In response to the Notice of Non-Compliant Amendment dated May 22, 2006, please amend the above-identified application as follows:



PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|                                                                                                                                                           |  |                          |                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------|--------------------|
| <b>Effective on 12/08/2004.</b><br>Fees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818)<br><b>FEE TRANSMITTAL</b><br><b>For FY 2006</b> |  | <b>Complete if Known</b> |                    |
|                                                                                                                                                           |  | Application Number       | 10/786,061         |
|                                                                                                                                                           |  | Filing Date              | February 26, 2004  |
|                                                                                                                                                           |  | First Named Inventor     | Frantisek EISINGER |
|                                                                                                                                                           |  | Examiner Name            | J. C. Rodriguez    |
| <input type="checkbox"/> Applicant claims small entity status. See 37 C.F.R. 1.27                                                                         |  | Art Unit                 | 3653               |
| <b>TOTAL AMOUNT OF PAYMENT</b>                                                                                                                            |  | Attorney Docket No.      | 01762.010200       |
| (\$ ) 0.00                                                                                                                                                |  |                          |                    |

**METHOD OF PAYMENT** (check all that apply)

|                                                                                                                           |                                                                                   |                                      |                                                                      |                                                   |
|---------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Check                                                                                            | <input type="checkbox"/> Credit Card                                              | <input type="checkbox"/> Money Order | <input type="checkbox"/> None                                        | <input type="checkbox"/> Other (please identify): |
| <input checked="" type="checkbox"/> Deposit Account                                                                       | Deposit Account Number: <u>06-1205</u>                                            |                                      | Deposit Account Name: <u>Fitzpatrick, Cella, Harper &amp; Scinto</u> |                                                   |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)                    |                                                                                   |                                      |                                                                      |                                                   |
| <input type="checkbox"/> Charge fee(s) indicated below                                                                    | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |                                      |                                                                      |                                                   |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17 | <input checked="" type="checkbox"/> Credit any overpayments                       |                                      |                                                                      |                                                   |

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description                                                                                         | Fee (\$) | Small Entity Fee (\$) |
|---------------------------------------------------------------------------------------------------------|----------|-----------------------|
| Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent            | 50       | 25                    |
| Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent | 200      | 100                   |
| Multiple dependent claims                                                                               | 360      | 180                   |

|                                                                  |                     |                 |                      |                                  |                 |                      |
|------------------------------------------------------------------|---------------------|-----------------|----------------------|----------------------------------|-----------------|----------------------|
| <b>Total Claims</b>                                              | <b>Extra Claims</b> | <b>Fee (\$)</b> | <b>Fee Paid (\$)</b> | <b>Multiple Dependent Claims</b> | <b>Fee (\$)</b> | <b>Fee Paid (\$)</b> |
| 15                                                               | - 20 or (HP)        | = 0             | x 50.00 = 0.00       |                                  |                 |                      |
| HP = highest number of total claims paid for, if greater than 20 |                     |                 |                      |                                  |                 |                      |

|                                                                       |                     |                 |                      |
|-----------------------------------------------------------------------|---------------------|-----------------|----------------------|
| <b>Indep. Claims</b>                                                  | <b>Extra Claims</b> | <b>Fee (\$)</b> | <b>Fee Paid (\$)</b> |
| 2                                                                     | - 3 or (HP)         | = 0             | x 200.00 = 0.00      |
| HP = highest number of independent claims paid for, if greater than 3 |                     |                 |                      |

**3. APPLICATION SIZE FEE**

If the specification, drawings, and any Preliminary Amendment exceed 100 sheets of paper in total, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

|                     |                     |                                                         |                                |                      |
|---------------------|---------------------|---------------------------------------------------------|--------------------------------|----------------------|
| <b>Total Sheets</b> | <b>Extra Sheets</b> | <b>Number of each additional 50 or fraction thereof</b> | <b>Fee (\$)</b>                | <b>Fee Paid (\$)</b> |
|                     | - 100 =             | / 50 =                                                  | (round up to a whole number) x | =                    |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other:

|                     |                  |                                             |                           |
|---------------------|------------------|---------------------------------------------|---------------------------|
| <b>SUBMITTED BY</b> |                  |                                             |                           |
| Signature           |                  | Registration No. 33,326<br>(Attorney/Agent) | Telephone<br>212-218-2100 |
| Name (Print/Type)   | Steven E. Warner |                                             | Date: June 22, 2006       |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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